

REMARKS

Claims 1-39 were pending in this application.

Claims 4-23 were previously withdrawn.

Claims 1 and 24 have been rejected.

Claims 2, 3, and 25-32 have been objected to.

Claims 33-39 have been allowed.

Claims 1 and 24 have been amended as shown above.

Claims 1-39 remain pending in this application.

Reconsideration and full allowance of Claims 1-39 are respectfully requested.

I. STATUS OF CLAIMS 33-39

The Office Action Summary indicates that Claims 33-39 are subject to a Restriction Requirement. However, on page 4 of the Office Action, the Office Action indicates that Claims 33-39 have been allowed. The Applicants assume that Claims 33-39 are allowed. If this is incorrect, the Applicants respectfully request clarification of the status of Claims 33-39 in the next Official communication.

II. ALLOWABLE SUBJECT MATTER

The Applicants thank the Examiner for the indication that Claims 2, 3, and 25-32 would be allowable if rewritten in independent form to incorporate the elements of their respective base claims

and any intervening claims. Because the Applicants believe that the remaining claims in this application are allowable, the Applicants have not rewritten Claims 2, 3, and 25-32 in independent form.

The Applicants also thank the Examiner for the indication that Claims 33-39 have been allowed. These claims have not been amended and therefore remain in condition for allowance.

III. REJECTION UNDER 35 U.S.C. § 102

Claims 1 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0016762 to Martin et al. ("*Martin*"). This rejection is respectfully traversed.

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

Claim 1 has been amended to recite that an "input signal" (received at an input of a variable phase-shifting circuit coupled to a synchronization input of a synchronized oscillator) "originates from a source that is external to the synchronized oscillator." Claim 24 has similarly been amended to recite that an "input" of a variable phase-shifting circuit "originates from a source that is external to the synchronized oscillator."

Martin recites a modulator 100 that includes an n-phase oscillator 108. (*Figure 1; Par. [0031]*). The oscillator 108 includes multiple variable propagation delay differential inverters 202 arranged in series. (*Figure 2; Par. [0035]*). A frequency divider 204, phase detector 206, oscillator 208, and low pass filter 210 are used to lock the oscillation frequency of the ring of inverters 202 to a specified value. (*Par. [0036]*).

According to the Office Action, the alleged “input” to the n-phase oscillator 108 of *Martin* is the input to the left-most inverter 202 in Figure 2 of *Martin*. As clearly shown in Figure 2 of *Martin*, the input to the left-most inverter 202 in Figure 2 of *Martin* represents the output of the right-most inverter 202 in Figure 2 of *Martin*. The alleged “input” to the n-phase oscillator 108 of *Martin* is therefore not from a “source that is external to” the oscillator as recited in Claims 1 and 24. In *Martin*, the input to the left-most inverter 202 in Figure 2 is clearly from the n-phase oscillator 108 itself, which cannot possibly represent a “source that is external to” the oscillator as recited in Claims 1 and 24.

Accordingly, the Applicants respectfully request withdrawal of the §102 rejection and full allowance of Claims 1 and 24.

CONCLUSION

The Applicants respectfully assert that all pending claims in this application are in condition for allowance and respectfully request that this application be passed to issue.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@munckbutrus.com.

The Applicants have included the appropriate fee to cover the cost of a three (3) month extension of time. The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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